

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION


No. 2:15-CR-9-FL-1
No. 2:18-CV-20-FL

LANN TJUAN CLANTON,)	
)	
Petitioner,)	
)	
v.)	
)	ORDER
UNITED STATES OF AMERICA)	
)	
Respondent.)	

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Kimberly A. Swank, recommending that petitioner’s motion to vacate under 28 U.S.C. § 2255 (DE 876, 976), be granted, and the government’s motion to dismiss (DE 889) be denied, and that petitioner’s judgment of conviction be vacated and a new judgment be entered from which petitioner may have the opportunity to appeal. No objections to the M&R have been filed, and the time within which to make any objection has expired. This matter is ripe for ruling.

Upon careful review of the M&R and of the record generally, having found no clear error, the court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, petitioner’s motion is GRANTED, and the government’s motion to dismiss is DENIED. Petitioner’s judgment of conviction is VACATED, and the clerk is DIRECTED to enter a new judgment of conviction from which petitioner may have the opportunity to appeal. The clerk of court then is directed to close the case.

SO ORDERED, this the 3rd day of September, 2021.



LOUISE W. FLANAGAN
United States District Judge